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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,019	01/20/2000	Yuji Kumakura	1614.1024	3839

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EXAMINER

KENDALL, CHUCK O

ART UNIT PAPER NUMBER

2192

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/488,019

Applicant(s)

KUMAKURA, YUJI

Examiner

Chuck Kendall

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

RD

DETAILED ACTION

1. This action is in response to the application filed 11/22/04.
2. Claims 1 - 28 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 - 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stupek Jr, et al USPN 5,586,304 (hereinafter Stupek), in view of van Gilluwe et al. USPN 6,351,850 B1.

Regarding claims 1, 10 & 19, Stupek discloses, control information retrieving part retrieving control information that is used to execute an installed program, wherein said control information comprises:

current address information indicating a current address where the installed program is stored in a storage device [Stupek, 5:34, also see 13:59 – 64, see location of first version for current address information], and

definition information including information to retrieve and change the current address information of the installed software, the definition information including at least one destination address information, as indicated by the user for the installed program and including at least one definition name uniquely assigned to installed program (13:59 – 64, see version and location of first version, also see 10: 40 – 45, for identifying the location of second version, note first and second versions are stored in different locations and is equivalent to Applicants current and destination address limitation);

a destination defining part to define the destination address information as indicated by a user and a location different from a current address where the installed program is stored; [Stupek, 5:40-42],

a control information changing part changing the control information based on the destination address information [Stupek 5:48-51]. Stupek doesn't expressly a deleting part deleting all of the information stored at the current location including the installed program, and a moving part comprising a copying part retrieving the current address information corresponding to said unique definition name included in said definition information of the control information of the installed program and copying to the destination address information indicated by the user and included in the definition information of the control information of the installed program, additional installed functions information, and optional settings information a deleting part deleting all of the information stored at the current address including deleting the installed program.

van Gilluwe in a similar configuration discloses copying files from a partition (location) and deleting the files from the partition of the installed program. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stupek and van Gilluwe because, moving files i.e., (copying and deleting) of an installed programs during execution of an installed program enables the use of required programs at the new location (van Gilluwe 4:18 – 20)

Regarding claims 2, 11, & 20, the information processor as claimed in claim 1, wherein said changing comprises a replacing part replacing the current address information with the destination address information to which the installed program is moved [Stupek, 1: 55-67].

Regarding claims 3, 12, & 21, the information processor as claimed in claim 1, wherein said control information is generated when said installed program is installed into a storage device [Stupek, 2:1-15 see CD-ROM].

Regarding claims 4, 13, & 22, the information processor as claimed in claim 1, wherein said control information is referred to when said installed program is executed [Stupek, 4:30 - 43].

Regarding claims 5, 14 & 23, the information processor as claimed in claim 1, wherein said control information is stored in a file referred to by other programs, and the file includes a plurality of control information to execute the other programs [Stupek, 6:10-30]

Regarding claims 6,15, & 24, the information processor as claimed in claim 1, wherein said control information changing part comprises a changing part changing said control information based on said definition information. [Stupek 2:5-40].

Regarding claims 7,16, & 25, the information processor as claimed in claim 1, wherein said control information changing part comprises [Stupek 5: 50-54];
a changing part changing the current address information included in said control information based on the destination address information included in said definition information [Stupek 2:1-10].

Regarding claims 8,17, & 26, the information processor as claimed in claim 1, wherein said control information comprises:

installed program information to execute the installed program [Stupek 4:30-43];
and data information related to data created or edited by executing said installed program, and wherein said moving part comprises: [Stupek 2:5-10]

a installed program moving part moving the installed program [Stupek 2:5-10 see upgrade information, also refer to storage for older versions 5:53-58]
and [Stupek, 2:5-10]; a data moving part moving the data when the installed program is moved by said installed program moving part [6:10-30, see Fig 1].

Regarding claims 9,18 & 27, the information processor as claimed in claim 1, further comprising an installing part installing said installed program [Stupek 2:10 –15].

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stupek Jr, et al USPN 5,586,304 (hereinafter Stupek), in view of van Gilluwe et al. USPN 6,351,850 B1 and Chamberlain US2003/0145317 A1.

Regarding claim 28, a computer readable recording medium storing a software setup program to control a computer according to a process comprising:

presenting to a user a selectable installed software move function to move the installed software from one computer readable storage area to another computer

readable storage area (Stupek, 1:65 – 67, shows displaying to a user to aid in making selection as to upgrading), defining a destination address that is different from a current address where the software is stored, if the user selects the installed software move function (13:59 – 64, see version and location of first version, also see 10: 40 – 45, for identifying the location of second version, note first and second versions are stored in different locations and is equivalent to Applicant's current and destination address limitation);

Stupek doesn't expressly a deleting part deleting all of the information stored at the current location including the installed program, and a moving part comprising a copying part retrieving the current address information corresponding to said unique definition name included in said definition information of the control information of the installed program and copying to the destination address information indicated by the user and included in the definition information of the control information of the installed program, additional installed functions information, and optional settings information a deleting part deleting all of the information stored at the current address including deleting the installed program.

van Gilluwe in a similar configuration discloses copying files from a partition (location) and deleting the files from the partition of the installed program. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stupek and van Gilluwe because, moving files i.e., (copying and deleting) of an installed programs during execution of an installed program enables the use of required programs at the new location (van Gilluwe 4:18 – 20).

Stupek and van Gilluwe doesn't disclose retrieving registry information of the installed software used to execute the installed software, according to the reading of the identifier of the installed software in the definition information of the installed software, the registry information of the installed software comprising a current address where the installed software is stored in a storage device and changing the registry information of the installed software based on the destination address in the definition information of the installed software. However, Kenner in an analogous art does disclose retrieving registry information of the installed software used to execute the installed software and

changing the registry information of the installed software based on the destination address (7:7 – 16). Therefore it would have been obvious to one of ordinary skill to combine Stupek and Gilluwe with Kenner because, it enables systems configured with windows to be changed and configured more efficiently.

Response to Arguments

5. Applicant's arguments with respect to claims 1 – 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

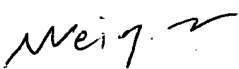
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK.


WEI Y. ZHEN
PRIMARY EXAMINER